

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

RON FOSTER, MARKETING & PLANNING) SPECIALISTS LIMITED PARTNERSHIP, and) FOSTER FARMS, LLC,)) Plaintiffs and Counterclaim Defendants,)) v.)) UNITED STATES ENVIRONMENTAL) PROTECTION AGENCY and ANDREW) WHEELER, in his official capacity as) Administrator,)) Defendants and Counterclaim Plaintiffs.)	No. 2:14-cv-16744	
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**NOTICE REGARDING UNITED STATES SUPREME COURT’S
RECENT DECISION IN *SACKETT V. EPA* AND MOTION TO STAY RULINGS.**

The United States of America notifies the Court of the United States Supreme Court’s recent decision in *Sackett v. EPA*, No. 21-454 (May 25, 2023). A copy of the *Sackett v. EPA* decision is attached. The United States is currently evaluating this decision and its potential impact on pending Clean Water Section 404 enforcement cases. We respectfully request that the Court refrain from ruling on Defendants’ pending Motion for Review, ECF No. 286, and the United States’ Cross-Motion for Injunctive Relief, ECF No. 289 until the United States has had the opportunity to evaluate whether the *Sackett* decision impacts the United States’ position in the pending motions.

Respectfully submitted,

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Dated: June 20, 2023

CERTIFICATE OF SERVICE

I hereby certify that the EPA's Notice Regarding United States Supreme Court's Recent Decision in *Sackett v. EPA* and Motion to Stay Rulings was served on the following counsel for Counterclaim Defendants through the CM/ECF system.

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Dated: June 20, 2023

/s/Laura J. Brown